

# **EXHIBIT C**



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**VIA FACSIMILE**

January 9, 2006

Kenneth M. Frankel, Esq.  
Finnegan, Henderson, Farabow, Garrett & Dunner, LLP  
901 New York Avenue, NW  
Washington, DC 20001-4413

Re: *BIAX Corp. v. Intel Corp., et al.*  
Case No. 2-05-CV-184-2JW

Dear Ken:

This letter responds to Mr. Price's letter dated December 27, 2006 requesting additional 30(b)(6) testimony and your letter dated yesterday regarding the same.

Topic 5. You have requested additional testimony on Topic 5, notwithstanding the fact that Intel offered, and BIAX accepted, Eric Samuels as Intel's 30(b)(6) witness on this topic. *See* 10/9/06 email from Price to Chachkes ("This is to confirm that BIAX accepts Intel's offer to make Eric Samuels available on November 3, 2006 in Orrick's Silicon Valley office as Intel's witness for Topics 1-5, 8 and 9 of BIAX's 30(b)(6) notice."). When we discussed your request, you clarified that BIAX wants Intel to generate an entirely new "financial summary" for all of Intel's microprocessors, in addition to the ones we generated for the accused products. However, this is contrary to the agreement reached by the parties. In an email chain ending on March 1, 2006, Mr. Graham agreed that BIAX's right to request additional material was limited to "other additional documentation should it be necessary for clarification, corroboration, or completion of the damages summaries". Your request is for an entirely different and new damages summary is not something that is required for "clarification, corroboration, or completion" of the one to which we agreed. Accordingly, we will not generate an additional summary, which would take weeks at any rate. Further, we maintain our objection on relevancy grounds, because the additional summary that you request addresses products that are not even at issue in this case.

Topic 9. We have already provided a witness on Topic 9, he was adequately prepared, and BIAX has not contended otherwise. *See* 10/9/06 email from Price to Chachkes ("This is to confirm that BIAX accepts Intel's offer to make Eric Samuels available on November 3, 2006 in

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Orrick's Silicon Valley office as Intel's witness for Topics 1-5, 8 and 9 of BIAX's 30(b)(6) notice.").

Topic 10. Respectfully, I disagree with your understanding of our phone conference. It was my understanding of our call that BIAX was reserving its right to notice this topic in the future and Intel was maintaining its objections, and that we can address any new request pursuant to Topic 10 if and when BIAX makes one.

Topics 13-15. We will provide a witness on these topics. We still believe that a witness will offer little more than what is in Intel's interrogatory responses. We will supplement our interrogatory responses, but we cannot comply with your request to have that done by the end of this week. Because BIAX has numerous interrogatory responses that it has committed to supplementing – *see, e.g.*, BIAX's response to Intel's Interrogatories 2 and 3 – I would suggest that we discuss a mutually-agreeable date for supplementation.

Clause 1 of Topic 18. Your letter dated yesterday misunderstands Intel's position. Again, we *already* provided a witness on clause 1 of Topic 18, he was adequately prepared, and BIAX has not contended otherwise. *See* 11/3/06 Samuels Depo., p.18 ("Q. Sure. And to shorten the process, let me say that it is my understanding, which I would like to confirm, if possible, that you will testify on Intel's behalf with respect to topics No. 1 through 5, inclusive, topics 8 and 9, and topic 18.").

Topics 16, 17, clause 2 of 18, 19. We designate Jeff Draeger as Intel's witness on these topics. He is already scheduled to be deposed on January 25.

Topic 20. You suggested BIAX would propose a compromise. We look forward to your suggestion.

If you wish to discuss these topics further, please do not hesitate to call me.

Very truly yours,



Alex V. Chachkes

Kenneth M. Frankel, Esq.

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cc: Gil Gillam, Jr., Esq.  
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